

## **Remarks**

The specification has been amended to remove the sentence stating that SEQ ID NO:63 represents the complement of SEQ ID NO:61.

Claims 69 and 71 have been amended to specify the amino acid sequence of (b) is encoded by a nucleotide sequence fully complementary to SEQ ID NO:63.

### **I. Specification/Informalities**

The Examiner has objected to the specification in that the specification, on page 94, lines 20-22, states that the sequence of SEQ ID NO:63 is the complement of SEQ ID NO:61. The Examiner has requested that Applicants make the appropriate correction.

By the foregoing amendment, the sentence which states SEQ ID NO:63 represents the complement of SEQ ID NO:61 has been deleted from the specification. This amendment removes the discrepancy between statements made in the specification and the relationship between SEQ ID NO's 61 and 63, as originally submitted.

### **II. Rejections Under 35 U.S.C. §112, second paragraph**

The Examiner has rejected claims 69-75 as being indefinite under 35 U.S.C. § 112, second paragraph. The second paragraph of Section 112 requires that the claims set out and circumscribe a particular area which applicants regard as their invention with a *reasonable* degree of precision and particularity.

Specifically the Examiner states that in claims 69 and 71, there is no indication that “the nucleotide sequence complementary to SEQ ID NO:63” is meant to be the complement of the full-length of SEQ ID NO:63, and thus many sequences are potentially encompassed by the claims.

Applicants note that claims 69 and 71 have been amended to specify the amino acid sequence of (b) be encoded by a nucleotide sequence fully complementary to SEQ ID NO:63. Applicants believe this amendment clarifies the language of the claim.

### III. Rejections under U.S.C. §102(b)

The Examiner has rejected claim 71 as being anticipated under 35 U.S.C. § 102(b) by the Sigma Chemical 1993 Catalog.

The Court of Appeals for the Federal Circuit has stated that anticipation requires the presence in a single prior art reference of each and every element of the claimed invention. *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984); *Alco Standard Corp. v. Tennessee Valley Auth.*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986). "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic v. Genentech Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991) (citations omitted). As explained in detail below, Applicant believes that claim 1, as amended, is not anticipated by the prior art relied upon by the Examiner.

Specifically the Examiner contends the claims encompass a short nucleotide sequence complimentary to nucleotides 930-935 of SEQ ID NO:63, and which encodes a Gly-Gln peptide. The Examiner states such a peptide is taught by the Sigma Chemical 1993 Catalog.

Applicants note that claim 71 has been amended to specify the amino acid sequence of (b) be encoded by a nucleotide sequence fully complementary to SEQ ID NO:63. Thus the polypeptide of claim 71, as amended, is not anticipated by the cited prior art reference.

### Conclusion

Applicants believe the instant claims to be in condition for allowance. In light of the amendments and remarks above, Applicants request the withdrawal of all rejections and solicit allowance of instant claim set.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-1970, if not otherwise specifically requested. The

The Examiner is invited to contact the undersigned should any issues remain.

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